

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 53**

Citations Affected: IC 35-31.5; IC 35-42.

Synopsis: Child seduction. Conference committee report for ESB 53. Defines "professional relationship" and provides that a person who: (1) has a professional relationship with a child; (2) may exert undue influence on the child because of the professional relationship; and (3) uses the person's professional relationship to engage in sexual conduct with a child at least 16 years of age but less than 18 years of age; commits child seduction. Provides that child seduction is a Class C felony if it involves intercourse or deviate sexual conduct, and a Class D felony if it involves fondling. (Under current law, child seduction is a Class D felony in all cases.) **(This conference committee report makes technical corrections, provides two penalties for child seduction, and provides factors for a trier of fact to consider to determine whether a person used or exerted the person's professional relationship with a child to engage in sexual intercourse, deviate sexual conduct, or fondling or touching with the intent to satisfy the sexual desires of the child or the adult.)**

Effective: July 1, 2013.

Adopted	Rejected
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CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 53 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 4, line 23, delete "," and insert ".".
- 2 Page 4, line 23, strike "a Class D felony."
- 3 Page 4, delete lines 24 through 38, begin a new paragraph and insert:
- 4 **"(n) A person who:**
- 5 **(1) has or had a professional relationship with a child at least**
- 6 **sixteen (16) years of age but less than eighteen (18) years of**
- 7 **age whom the person knows to be at least sixteen (16) years of**
- 8 **age but less than eighteen (18) years of age;**
- 9 **(2) may exert undue influence on the child because of the**
- 10 **person's current or previous professional relationship with the**
- 11 **child; and**
- 12 **(3) uses or exerts the person's professional relationship to**
- 13 **engage in sexual intercourse, deviate sexual conduct, or any**
- 14 **fondling or touching with the child with the intent to arouse**
- 15 **or satisfy the sexual desires of the child or the person;**
- 16 **commits child seduction.**
- 17 **(o) In determining whether a person used or exerted the**
- 18 **person's professional relationship with the child to engage in sexual**
- 19 **intercourse, deviate sexual conduct, or any fondling or touching**
- 20 **with the intent to arouse or satisfy the sexual desires of the child or**
- 21 **the person under subsection (n), the trier of fact may consider one**
- 22 **(1) or more of the following:**

- 1 **(1) The age difference between the person and the child.**
 - 2 **(2) Whether the person was in a position of trust with respect**
 - 3 **to the child.**
 - 4 **(3) Whether the person's conduct with the child violated any**
 - 5 **ethical obligations of the person's profession or occupation.**
 - 6 **(4) The authority that the person had over the child.**
 - 7 **(5) Whether the person exploited any particular vulnerability**
 - 8 **of the child.**
 - 9 **(6) Any other evidence relevant to the person's ability to exert**
 - 10 **undue influence over the child.**
 - 11 **(p) Child seduction under this section is:**
 - 12 **(1) a Class D felony if the person engaged in any fondling or**
 - 13 **touching with the intent to arouse or satisfy the sexual desires**
 - 14 **of the child or the person; and**
 - 15 **(2) a Class C felony if the person engaged in sexual**
 - 16 **intercourse or deviate sexual conduct with the child."**
- (Reference is to ESB 53 as printed March 22, 2013.)

Conference Committee Report
on
Engrossed Senate Bill 53

Signed by:

Senator Boots
Chairperson

Representative Brown T

Senator Stoops

Representative Hale

Senate Conferees

House Conferees